

IN RE: SONIC CORP. CUSTOMER
DATA SECURITY BREACH
LITIGATION

(FINANCIAL INSTITUTIONS)

ORDER

In 2017, not yet identified third parties accessed Sonic¹ customers' payment card data. The hackers obtained customer payment card information from more than three-hundred Sonic Drive-Ins. This litigation followed.

Sonic claims that attorney client privilege and the work product doctrine allow Sonic to assert the shared privilege and protect “communications between the Sonic Defendants and their counsel (on the one hand) and SD-Missouri and its counsel (on the other hand).”⁵ Sonic claims the common interest doctrine extends the principal to

⁵ Doc. 231 at 7.

communications with SD-Missouri, a non-party to this litigation.

Although Sonic points to specific subpoena requests that it says implicate privileged documents, Sonic has not given specific details regarding the communications and documents it seeks to protect. Without such information, the Court is unable to determine which state's privilege laws apply.

The Court therefore orders Sonic to submit a log of all communications and documents to which it claims the common interest doctrine applies within ten days of this Order. Specifically, Sonic is instructed to note the name of all parties involved in each document or communication, the entity they are associate with and their position at that entity, the date, the location of each sender and recipient, and a general description of the contents of the communication or document.

ITS IS SO ORDERED.

Dated: January 8, 2020

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE